

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID A. TERRY,

Defendant.

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CASE NO. 8:03CR324

ORDER

This matter is before the Court on the Defendant's motion for a writ of error coram nobis (Filing No. 78) and motion for leave to proceed in forma pauperis (Filing No. 79).

The Defendant seeks relief from a Nebraska state conviction. However, "a defendant may seek coram nobis relief only from the court that rendered judgment." *Trackwell v. Nebraska*, 126 Fed. Appx. 336, at **1 (8th Cir. 2005) (per curiam). Therefore, because the Defendant is barred from seeking relief in this Court, the motion is denied.

IT IS ORDERED:

1. The Defendant's motion for a writ of error coram nobis (Filing No. 78) is denied;
2. The Defendant's motion for leave to proceed in forma pauperis (Filing No. 79) is denied; and
3. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 12th day of December, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge